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10/721,543	11/26/2003	Toshitaka Hasegawa	1095.1291	5700
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STAAS & HALSEY LLP			ROBINSON, GRETA LEE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,543	<b>Applicant(s)</b> HASEGAWA ET AL.
	<b>Examiner</b> Greta L. Robinson	<b>Art Unit</b> 2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 April 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-14, 16 and 18-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-14, 16 and 18-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11/26/2009 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 08, 2009 has been entered.
  
2. Claims 2-7, 8-14, 16 and 18-21 are pending in the present application. Claims 14, 16, 18 and 20 have been amended. Claims 1, 8, 15 and 17 have status cancelled.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the apparatus must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **4. INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

##### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

##### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

#### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

#### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: note the limitation "apparatus" in claims 20 and 21 lacks proper antecedent basis with respect to the disclosure.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 20-21, the term "apparatus" is vague and/or not clear [see:  
claim 20 line 1; claim 21 line 1].

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2-7, 8-14, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Kindo et al. US Patent 6,832,217 B1 and Nakagawa et al. US Patent 5,835,911.

Regarding claim 18, **Kihl et al.** teaches a program product that helps service processors receive instructions from an operator, [note: relay server system for use in an

on-line banking system col. 1 line 55 through col. 2 line 10] the program product causing a computer system to perform a process comprising the steps of:

upon issuance of an inquiry from a service process, storing the inquiry as a pending inquiry in an inquiry buffer [note: in the inquiry message generating process, the inquiry message generation block 41 initializes an inquiry buffer, e.g., the temporal storage block 43 col. 6 lines 35-52; Figure 4 (43) TEMPORAL STORAGE BLOCK (i.e. inquiry buffer)];

in response to a first delivery request from a first client to deliver an inquiry to the first client, retrieving the pending inquiry corresponding to the first delivery request from the inquiry buffer, and sending the retrieved pending inquiry to the first client over the network [note: abstract "request processing unit for analyzing input request message to generate a corresponding handling process based on the analyzed request type"; REQUEST PROCESSING UNIT (22) Figure 2; also see col. 4 lines 28-33];

upon receipt of a reply to the pending inquiry from the first client, forwarding the reply received from the first client to the service process, and storing the received reply and corresponding pending inquiry as a log record in a log memory [note: col. 2 lines 36-43; col. 7 lines 4-18 response message analyzer 47 analyzes the response message name ... field data designated as save on the process control information is stored in temporal storage block 43, and then the extracted response data is relayed to the response format conversion block]; and

when a reply method to the pending inquiry is of a multi-choice selection type,  
sending to the first client a list of possible answers together with the pending inquiry,  
and when the reply method to the pending inquiry is of a text type and a subject of the

pending inquiry corresponding to the first delivery request is similar to a subject of a past inquiry, retrieving from the log memory a log record corresponding to the past inquiry, and sending to the first client the retrieved log record corresponding to the past inquiry together with the pending inquiry corresponding to the first delivery request.

Although Kihl et al teaches the invention substantially as cited above they do not explicitly teach when a subject of the pending inquiry corresponding to the first delivery request is similar. Kindo et al. teaches an inquiry support apparatus that evaluates information content concerning, *the system compares an inquired data with a stored history inquiry* [note: abstract; column 3 lines 30-35 “comparing the inquired information with the stored history”; column 1 lines 1-17; and column 2 lines 46-52]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Kindo et al. with Kihl et al. because the comparison would provide a means of checking similar information to be transmitted to the end user in Kihl et al.. Kihl teaches a system capable of handling multiple processes through prestored rules [see: col. 9 lines 4-28; col. 5 lines 11-26]; and the ability to store and transmit two types of data [see: column 4 line 55 through col. 5 line 3; col. 3 lines 55-60]. Kihl et al. and Kindo et al. do not explicitly teach that the pending inquiry is a multi-choice selection type; however Kihl et al. teaches the ability to transmit two types of data [column 4 lines 55 through column 5 line 3]. Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways [see: Figure 5 step (S12); col. 23 lines 42-49; col. 25 lines 29-32 various settings can be easily and properly be defined for respective users; col. 58 lines 39-43 various ways of operation]. It would have been obvious

to one of ordinary skill at the time of the invention to have combined Nakagawa et al. with the cited references because Nakagawa et al. further shows how inquiry interaction within the network may be customized for certain users within the network.

10. Regarding claim 19, in response to a second delivery request for the reply log record, said log record retrieving retrieves a log record and sends reply-related ... [note: Kihl et al. column 8 lines 59-67 inquiry message generation process].

11. Regarding claim 2, "wherein the first and second clients are implemented on a single computer platform" [note: Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways [see: Figure 5 step (S12); col. 23 lines 42-49; col. 25 lines 29-32 various settings can be easily and properly be defined for respective users; col. 58 lines 39-43 various ways of operation].

12. Regarding claim 3, wherein: the second delivery request contains search conditions for the log memory; and said log record retrieving step (d) retrieves log records that match with the search condition specified by the second client [note: Kihl et al. column 3 lines 48-54 teaches storing subscriber access history information and output screen information (i.e. search) ].

13. Regarding claims 4, 5, 7, and 9-13:

(claims 4 and 5) "the second delivery request form the second client requests delivery of a message log record ... reply log record" [note: Kihl et al. teaches a request processing unit 22 for handling process and session management 23 col. 4 line25 through col. 5 line 7].

(claim 7) wherein the inquiries sent at said inquiry sending step (b) include a list of possible answers [note: Kihl et al., Figure 4 (47) and (46); col. 7 lines 27-32].

(Claims 9-11) notifying the service process of cancellation [note: Kihl et al. *Session End Time* Figure 6 step 209 Terminate Process and 208 Initialize Timer; also note Lomet, Figure 8 step 142 Notice of Application Termination].

(Claims 12 and 13) further comprising the step of dispatching a command upon receipt of the reply to the pending inquiry [note: Kihl et al. Figure 7 step (311); col. 6 lines 5-16].

14. The limitations of claims 14-16 and 20 parallel program product claim 18; therefore they are rejected under the same rationale.

15. The limitations of claim 6 parallel claim 3; therefore it is rejected under the same rationale.

16. The limitations of claim 21 have been addressed above; therefore it is rejected under the same rationale.

***Response to Arguments***

17. Applicant's arguments with respect to claim 2-7 9-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571)272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greta L. Robinson/  
Primary Examiner, Art Unit 2169  
June 15, 2009